

June 6, 2017

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FOIA Officer: Customs and Border Protection
1300 Pennsylvania Avenue, NW, Room 3.3D
Washington, D.C. 20229
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To whom it may concern:

This letter constitutes a request to the U.S. Department of Homeland Security (DHS) pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), submitted on behalf of ABC News ("ABC News," or "Requester").

ABC News requests information relating to the incidence of and response to all complaints or grievances with regards to the complainant or another individual, in the death of Cruz Velasquez Acevedo on Nov. 18, 2013 at the San Ysidro Port of Entry between Tijuana and the United States of America.

Specifically, ABC News requests the following:

Complaints filed with the Privacy Office

- 1) Any and all video elements and/or photographs associated with the death of Cruz Velasquez Acevedo on Nov. 18, 2013 at the San Ysidro Port of Entry between Tijuana and the United States of America, including but not exclusive to:
 - a) Surveillance video;
 - b) Eyewitness video;
 - c) Dash camera videos;
 - d) Individual video obtained by agents at the scene;
 - e) Any video obtained by other law enforcement officials.

Calls made to the Office of Civil Rights and Civil Liberties

- 1) Any and all video elements and/or photographs associated with the death of Cruz Velasquez Acevedo on Nov. 18, 2013 at the San Ysidro Port of Entry between Tijuana and the United States of America, including but not exclusive to:
 - a) Surveillance video;
 - b) Eyewitness video;
 - c) Dash camera videos;
 - d) Individual video obtained by agents at the scene;
 - e) Any video obtained by other law enforcement officials.

Calls made to the Office of Inspector General

- 1) Any and all video elements and/or photographs associated with the death of Cruz Velasquez Acevedo on Nov. 18, 2013 at the San Ysidro Port of Entry between Tijuana and the United States of America, including but not exclusive to:
 - a) Surveillance video;
 - b) Eyewitness video;
 - c) Dash camera videos;
 - d) Individual video obtained by agents at the scene;
 - e) Any video obtained by other law enforcement officials.

Calls made to the FOIA Officer: Customs and Border Protection

- 1) Any and all video elements and/or photographs associated with the death of Cruz Velasquez Acevedo on Nov. 18, 2013 at the San Ysidro Port of Entry between Tijuana and the United States of America, including but not exclusive to:
 - a) Surveillance video;
 - b) Eyewitness video;
 - c) Dash camera videos;
 - d) Individual video obtained by agents at the scene;
 - e) Any video obtained by other law enforcement officials.

Instructions

To facilitate DHS's search for records and the utility of the information provided, ABC News requests that information be produced in the following manner:

- 1) We request statistical information either as a csv file or divided into multiple xls files. We also request current translation files for any fields containing coded entries.
- 2) We request electronic documents to be produced on a USB drive and/or CD.
- 3) We request disclosure of all portions of the records excepting names or other identifying information insofar as necessary to protect against an unwarranted invasion of personal privacy in accordance with federal laws.

Request for Public Interest Fee Waiver

FOIA allows for fee waivers if "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and disclosure of the information is not primarily in the commercial interest of the requester." 28 C.F.R. § 16.11(k)(1)(i)-(ii).

Pursuant to Department of Homeland Security regulations, fee waivers are appropriate if four factors are satisfied: (1) the subject of the requested records must concern identifiable operations or activities of the federal government; (2) the disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be "likely to



contribute” to an increased public understanding of those operations or activities; (3) the disclosure must contribute to a reasonably broad audience of persons interested in the subject—a requester’s expertise in the subject area and ability and intention to effectively convey information to the public shall be considered; and (4) the public’s understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent. 6 CFR § 5.11(k).

ABC News satisfies all of these factors:

Request for Expedited Processing

We request that the information requested in this Request be disclosed on an expedited basis. This Request involves urgency to inform the public about government activities and the undersigned is an agent of ABC News, an organization primarily engaged in disseminating information. 6 C.F.R. 5.5(d)(1)(ii) (2005).

As discussed above, ABC News is engaged primarily in disseminating information as a representative of the news media. This Request is made for the purpose of obtaining information that will be used to create a report regarding United States immigration law. The release of the report will be timed to inform ongoing Congressional debate on immigration reform. Human Rights Watch will work with other organizations to disseminate the information, to generate publicity in tandem with other parts of the campaign and to generate a maximum amount of public awareness. In order to do this, it is essential that we be able to begin to work with the disclosed information as soon as possible. If we are unable to do this within this time frame, our ability to inform the public about this aspect of government activities will be seriously and irreparably harmed.

In compliance with 6 C.F.R. 5.5(d)(3) (2005), the undersigned certify that the above information pertaining to a request for expedited processing is true and correct to the best of the undersigned’s knowledge and belief.

* * *

We thank you for your attention in this matter and look forward to your response within 20 business days. 5 U.S.C. §552(a)(6)(A)(i).

Please respond to Brian Epstein, Senior Producer, ABC News.

7 West 66th Street, New York, NY, 10023; email brian.n.epstein@abc.com.

Signed:



Brian Epstein

Producer, ABC News

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